

EXHIBIT A

Certain Government Admissions Relating to Commingling of MSMB and Retrophin

Number	Government Admission About Commingling MSMB/Retrophin (Emphasis added)	Source
1.	“Shkreli <i>Commingled Business</i> Related to the MSMB Entities and to Retrophin”	Gov’t Memo, Dkt. No. 189 at 12
2.	“ <i>The three entities were run by Shkreli out of the same physical space</i> (initially at an office located at 111 Broadway, New York, NY, and later at an office located at 777 Third Avenue, New York, NY) between the spring of 2011 and December 2012, when Retrophin went public via the reverse merger with Desert Gateway and Shkreli allegedly “wound down” the MSMB entities. <i>The MSMB entities and Retrophin also shared many of the same employees, and Shkreli caused MSMB Healthcare to invest millions of dollars in Retrophin.</i> ”	<i>Id.</i>
3.	“Shkreli <i>utilized an MSMB Capital email address to conduct work on behalf of both the MSMB entities and Retrophin.</i> Specifically, Shkreli used an MSMB Capital email address when conducting business related to Retrophin about, <i>inter alia</i> , changes to Retrophin’s capitalization table; the reverse merger between Retrophin and Desert Gateway; the distribution of the Fearnow Shares (which were unrestricted shares of Retrophin); and efforts to raise funds for Retrophin after the reverse merger was completed. In fact, <i>Shkreli continued to use an MSMB Capital email address to conduct business on behalf of Retrophin until at least September 2014</i> , long after the MSMB entities had ceased functioning, including in attempts to control the distribution and subsequent sale of Fearnow Shares, and in the negotiation of certain of the settlement and consulting agreements with defrauded MSMB investors.”	<i>Id.</i> at 13.

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4.	<p>“As detailed above, <i>Shkreli used an MSMB Capital email address to conduct business related to Retrophin from its inception in 2011 until his termination in 2014.</i> Shkreli’s broad assertion that all email correspondence sent to and from that account constitutes ‘MSMB material’ is incorrect. Moreover, Retrophin had several policies that plainly indicated that documents and communications stored on or accessed via Retrophin’s electronic servers were in fact the property of Retrophin, and that any documents that might be the subject of a government investigation or a litigation should be preserved. (See Exhibit A at R023538 and R023541; Exhibit B at R024159-60). Shkreli was aware of and agreed to comply with all of these policies. (See Exhibit C at 55, 64-65).”</p>	<i>Id.</i> at 26.
5.	<p>“Again Mr. Shkreli was using the MSMB Capital E-mail address, starting in March, February, March of 2011, to conduct Retrophin business. <i>So, to say that anything with an MSMB Capital E-mail address or other MSMB E-mail address is somehow the property of MSMB and not of Retrophin, is not true.</i> We would need to see the individual E-mails to see whether or not anything with that E-mail address could in fact be assigned to one versus the other.”</p>	April 26, 2017 Hearing Tr. 15:7-14
6.	<p>“Yes, <i>MSMB came first and Retrophin came second. But, there were multiple office moves and at least two offices before the current office Retrophin and MSMB were sharing servers there is our understanding.</i> Again, the MSMB addresses were being used to conduct Retrophin business so <i>the documents were commingled for a very long time.</i> Starting in 2011 and up until the point that Mr. Shkreli left in 2014.”</p>	<i>Id.</i> at 15:18-25.
7.	<p>“There were documents obviously in Retrophin’s possession, custody and control, related to MSMB.”</p>	<i>Id.</i> at 21:6-7.

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8.	“We don’t know what he is talking about when he says MSMB documents. [Shkreli] used the MSMB Capital E-mail to conduct Retrophin business for years.”	<i>Id.</i> at 25:9-11.
9.	“Like I said, <i>he co-mingled funds, he co-mingled documents</i> , he-- the idea that he paid for the servers, again, we have no affidavit. In fact he caused Retrophin to pay for the servers, for everything. <i>So, the idea that he has been so careful to separate out these MSMB documents, he hasn’t. He left them in Retrophin’s offices. He left them on their servers</i> for years and we actually don’t know what documents he is talking about.”	<i>Id.</i> at 25:18-25.
10.	“The government has confirmed with Retrophin that no separate password was required to access emails that were sent to or from MSMB email addresses and were stored on Retrophin’s servers. Instead, <i>emails sent to or from MSMB email addresses (both in current and archived form) were commingled on Retrophin’s servers with emails sent to or from Retrophin email addresses</i> , and could be jointly accessed on those servers without the need to enter a separate password. The government has also confirmed with Retrophin that neither Shkreli or any MSMB entity paid to set up or maintain the servers on which emails sent to or from MSMB and/or Retrophin email addresses were stored; to the contrary, Retrophin paid to set up those servers, and subsequently paid to maintain those servers.”	Gov’t, Ltr. Dkt. No. 220 at 2.